

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BOYNTON BEACH FIREFIGHTERS’
PENSION FUND on behalf of itself and all
others similarly situated,

Plaintiff,

v.

HCP, INC.; HCR MANORCARE, INC.;
LAURALEE MARTIN; TIMOTHY SCHOEN;
PAUL A. ORMOND; and STEVEN M.
CAVANAUGH,

Defendants.

Case No. 3:16-cv-1106

Judge Jeffrey J. Helmick

**MOTION FOR ADMISSION *PRO*
HAC VICE OF GERALD H. SILK**

Pursuant to Local Rule 83.5(h), Plaintiff, Boynton Beach Firefighters’ Pension Fund (“Plaintiff”), by and through counsel, hereby moves this Honorable Court to admit Gerald H. Silk *pro hac vice* to the United States District Court, Northern District of Ohio, for the purpose of prosecuting the above-captioned case. Mr. Silk’s contact information is as follows:

Gerald H. Silk
Bernstein Litowitz Berger & Grossmann LLP
1251 Avenue of the Americas
New York, New York 10020
Telephone: 212-554-1400
Fax: 212-554-1444
Email: jerry@blbglaw.com

Attached hereto and incorporated herein as if fully rewritten are the Verified Statement and Oath of Gerald H. Silk.

WHEREFORE, Gerald H. Silk is an attorney in good standing of good and sufficient experience to conduct himself with acumen in the United States District Court for the Northern District of Ohio and Plaintiff hereby moves for the admission of Gerald H. Silk *pro hac vice*.

Dated: May 17, 2016

/s/ Scott D. Simpkins

John R. Climaco (0011456)

Scott D. Simpkins (0066775)

**CLIMACO WILCOX PECA TARANTINO
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*Local Counsel for Plaintiff Boynton Beach
Firefighters' Pension Fund*

CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically this 17th day of May, 2016. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Scott D. Simpkins

Scott D. Simpkins

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**VERIFIED STATEMENT AND
OATH OF GERALD H. SILK IN
SUPPORT OF APPLICATION FOR
*PRO HAC VICE ADMISSION***

I, Gerald H. Silk, under the authority of the rules governing admission to the United States District Court, Northern District of Ohio, Western Division, move this Court for permission to participate *pro hac vice* as counsel in the above-referenced case and would show the Court as follows:

1. I am a member of the firm of Bernstein Litowitz Berger & Grossmann LLP, 1251 Avenue of the Americas, New York, New York 10020, Telephone 212-554-1400, Fax 212-554-1444, Email jerry@blbglaw.com.

2. The firm that I am a member of has been counsel for Plaintiff in the past and Plaintiff, through my assistance, was able to secure the services of Scott D. Simpkins, who is a practicing attorney, member of the State Bar of Ohio, and admitted to practice before this Court. Mr. Simpkins's bar registration number is 0066775. The firm address is as follows: Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., 55 Public Square, Suite 1950, Cleveland, Ohio 44113.

3. I became admitted to practice in the State of New York on June 3, 1996, and I am an active member in good standing. My New York Attorney Registration number is 2764140. I have also been admitted to practice before the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit.

4. I have never been disbarred or suspended from practice before any court. Department, bureau or commission of any State or the United States, or ever received any

reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar of any jurisdiction in which I have been licensed.

5. This Verified statement is accompanying a motion of Ohio attorney, Scott D. Simpkins, with whom I will be associated in the proceedings of this case, and below is an Oath per Local Rule 83.5(f).

WHEREFORE, Movant, Gerald H. Silk, prays that this Court grant him permission to participate as a non-resident attorney in the proceedings of this case.



Gerald H. Silk

OATH

Pursuant to Local Rule 83.5(f):

I, Gerald H. Silk, do solemnly swear that as an attorney of this Court, I will conduct myself uprightly, according to the law and the ethical standards of the Code of Professional Responsibility adopted by the Supreme Court of Ohio, so far as they are not inconsistent with Federal Law, and that I will support the Constitution and laws of the United States.



Gerald H. Silk

SWORN and SUBSCRIBED to before
me this 10th day of May, 2016.



Notary Public

FARAH M NERETTE
Notary Public, State of New York
No. 01NE6110588
Qualified in New York County
Commission Expires 9/12, 2016